

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Basil W. Akbar,)
Petitioner,) C/A No. 0:10-1759-DCN
vs.)
State of South Carolina, et al.,)
Respondents.)

)

O R D E R

Petitioner, an inmate at Lee Correctional Institution, proceeding *pro se*, filed a document in this Court, which appeared to challenge decisions made in Petitioner's State post-conviction relief (PCR) action. The case was construed as an action seeking habeas corpus relief under 28 U.S.C. § 2254. (Docket Entry No. 1).

On July 19, 2010, an order was issued directing the Petitioner to bring this case into proper form for evaluation and possible service of process. (Docket Entry No. 5). Petitioner failed to comply with the proper form order. Instead, Petitioner filed a document entitled "Relief from Judgment or Order" on August 3, 2010. (Docket Entry No. 7). In this document, Petitioner "adamantly assert[ed] that he was not seeking habeas corpus relief under 28 U.S.C. § 2254" in his originally filed pleading. As Petitioner made it clear that he did not wish to seek habeas relief pursuant to § 2254, the Clerk of Court was directed to forward Petitioner the necessary forms to file a civil rights action, and to adjust the Court's docket to reflect this case as an action filed pursuant to 42 U.S.C. § 1983, upon receipt of the completed complaint form. (Docket Entry No. 9). Petitioner was warned that failure to provide the necessary information within the timetable set forth in the order would subject the case to dismissal.

Petitioner did not respond to the order and the time for response has lapsed. As Petitioner has failed to prosecute this case and has failed to comply with an order of this Court, the case is **dismissed without prejudice** pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash Railroad Company*, 370 U.S. 626 (1962).

IT IS SO ORDERED.



David C. Norton
United States District Judge

September 16, 2010.
Charleston, South Carolina